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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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10 UNITED STATES OF AMERICA,

11 Plaintiff,

Case No. 2:10-CR-00313-KJD-PAL

12 v.

ORDER

13 JAMIE TEICHMAN,

14 Defendant.

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16 Before the Court is Defendant Jamie Teichman’s Motion to Withdraw Guilty Plea (#41). The
17 United States of America (the “Government”) filed its Response opposition (#43) to which
18 Defendant filed a Reply (#44).

19 **I. Background**

20 Defendant entered into a plea agreement with the Government and a Plea Memorandum was
21 filed on July 20, 2010. On March 18, 2011 Defendant filed a motion to continue his sentencing
22 hearing. On May 11, 2011, Defendant was sentenced to thirty-three (33) months imprisonment and
23 five (5) years supervised release.

24 Defendant contends that the Government acted in bad faith by opposing his Motion to
25 Continue before fully evaluating Defendant’s assistance and failing to factor in a full evaluation of
26 Defendant’s cooperation when moving for a downward departure. Additionally, Defendant contends

1 that the Government acted in bad faith by making an allegedly false representation at the sentencing
2 hearing.

3 II. Analysis

4 Fed. R. Crim. P 11(e) provides that “[a]fter the court imposes sentence, the defendant may
5 not withdraw a plea of guilty or nolo contendre, and the plea may be set aside only on direct appeal
6 or collateral attack.” See also U.S. v. Baker, 790 F.2d 1437, 1438 (9th Cir. 1986) (after sentencing,
7 district court lacks jurisdiction to entertain a motion to set aside a plea).

8 This Court sentenced Defendant on May 11, 2011 and Defendant filed a direct appeal on May
9 20, 2011. Accordingly, this Court lacks jurisdiction to hear this Motion.

10 III. Conclusion

11 **IT IS HEREBY ORDERED** that Defendant’s Motion Withdraw Guilty Plea (#41) is
12 **DENIED**.

13 DATED this 29th day of July 2011.

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17 Kent J. Dawson
18 United States District Judge
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